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DA 01-2174

Released: October 9, 2001

**COMMON CARRIER BUREAU SEEKS COMMENT ON THE
PETITIONS OF REPRESENTATIVE KEITH R. MCCALL
AND OTHER PENNSYLVANIA STATE REPRESENTATIVES AND
THE LOUISIANA PUBLIC SERVICE COMMISSION
REQUESTING DELEGATED AUTHORITY TO IMPLEMENT
NUMBER CONSERVATION MEASURES
AND
COMMON CARRIER BUREAU DECLINES TO ADDRESS THE
REMAINING REQUESTS OF THE GEORGIA PUBLIC SERVICE
COMMISSION, THE KENTUCKY PUBLIC SERVICE
COMMISSION AND THE LOUISIANA PUBLIC SERVICE
COMMISSION FOR DELEGATED AUTHORITY TO IMPLEMENT
NUMBER CONSERVATION MEASURES**

NSD File No. L-01-113 (Pennsylvania)

NSD File No. L-01-147 (Louisiana)

NSD File No. L-01-148 (Georgia)

NSD File No. L-01-149 (Kentucky)

CC Docket 96-98

CC Docket 99-200 ✓

Pleading Cycle Established

COMMENTS: October 23, 2001

REPLY COMMENTS: November 5, 2001

On September 28, 1998, the Federal Communications Commission (Commission) released the *Pennsylvania Numbering Order*,¹ which delegated authority to state public utility commissions to order number rationing in jeopardy situations and encouraged state commissions to seek further limited delegations of authority to implement number conservation methods.

¹ Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717, Memorandum Opinion and Order and Order on Reconsideration, 13 FCC Rcd 19009, 19025 (1998); *see also* *Numbering Resource Optimization*, Second Report and Order in CC Docket No. 99-200, Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, and Second Further Notice of Proposed Rulemaking in CC Docket No. 99-200 (rel. Dec. 29, 2000) (addressing petitions for clarification and reconsideration that were filed in response to the *Pennsylvania Numbering Order*).

On March 31, 2000, the Commission released the *Numbering Resource Optimization First Report and Order*.² In the *Numbering Resource Optimization First Report and Order*, the Commission granted state commissions the authority to engage in certain number conservation measures. The Commission also reiterated that the state delegations of authority to implement number conservation measures were interim in nature and would be superseded by forthcoming decisions in the *Numbering Resource Optimization* proceeding. The Commission, however, continued its delegation to the Common Carrier Bureau (Bureau) to rule on state petitions for additional delegation of numbering authority when no new issues are raised. For state commissions requesting thousands-block number pooling authority, the Commission stated that “. . . the national thousands-block number pooling framework, including the technical standards and pooling administration provisions, will supersede these interim delegations of authority to state commissions.”³

In paragraph 170 of the *Numbering Resource Optimization First Report and Order*, the Commission required state commissions seeking thousands-block number pooling authority to demonstrate that: (1) a numbering plan area (NPA) in its state is in jeopardy; (2) the NPA in question has a remaining life span of at least a year; and (3) the NPA is in one of the largest 100 Metropolitan Statistical Areas (MSAs), or alternatively, the majority of wireline carriers in the NPA are LNP-capable. The Commission also determined that a state commission may expand pooling to another MSA only after pooling had been implemented in the initial MSA and after providing carriers sufficient time to adjust their networks for thousands-block number pooling.

On June 8, 2001, Representative Keith R. McCall and Members of the Northeast Delegation of the Pennsylvania House of Representatives (Pennsylvania State Legislators or Petitioners) filed a petition requesting that the Pennsylvania Public Utilities Commission (PAPUC) be granted additional delegated authority to implement thousands-block number pooling in the 570 NPA.⁴ Petitioners contend that additional delegated authority is necessary for the PAPUC to implement thousands-block number pooling in the 570 NPA. Petitioners believe that pooling would benefit consumers in the 570 NPA because numbering resources would be used more efficiently, thereby prolonging the life of the 570 NPA.

On June 18, 2001, the Bureau announced that it had chosen NeuStar, Inc. to be the national Pooling Administrator, with national pooling scheduled to commence in March

² *Numbering Resource Optimization, Report and Order and Further Notice of Proposed Rulemaking*, 15 FCC Rcd 7574 (2000).

³ *Numbering Resource Optimization First Report and Order*, 15 FCC Rcd at 7651.

⁴ *Petition of Representative Keith R. McCall and Members of the Northeast Delegation of the Pennsylvania House of Representatives Requesting that Additional Authority be Delegated to the Pennsylvania Public Utility Commission to Implement Additional Number Conservation Measures* (dated June 7, 2001).

2002.⁵ Following this announcement, the Commission received petitions from the Georgia Public Service Commission,⁶ (Georgia Commission) the Kentucky Public Service Commission,⁷ (Kentucky Commission) and the Louisiana Public Service Commission⁸ (Louisiana Commission) requesting additional delegated authority to implement number conservation measures. Because the national pooling administrator has been chosen and NPAs are being placed in the national pooling rollout schedule, we decline to address all requests filed on or after June 18, 2001 for authority to implement state thousands-block number pooling pending national pooling implementation. If national pooling implementation is significantly delayed beyond the March 2002 target date, however, we will provide expedited review on the merits of the Georgia, Louisiana and Kentucky Commissions' petitions.

We will nevertheless treat the petitions filed on or after June 18, 2001 as requests to receive early placement in the national pooling rollout schedule.⁹ Therefore, the Georgia and Kentucky Commissions need not file another petition requesting priority status on the national rollout schedule, unless they wish to file supplemental information. The Bureau will consider these and other such requests by state commissions prior to approving the national Pooling Administrator's proposed rollout schedule. Also, state commissions will have the opportunity to comment on the proposed national rollout schedule, which will soon be released in a public notice.

The Kentucky and Louisiana Commissions also request, among other measures, the authority to: (1) order the return of unused and reserved NXX codes or NXX codes obtained in contravention of industry guidelines;¹⁰ (2) enforce the number utilization reporting requirements;¹¹ and (3) require number utilization and forecast reports from carriers.¹² Because the FCC, in the *Numbering Resource Optimization Orders*,¹³ has

⁵ See *Federal Communications Commission's Common Carrier Bureau Selects NeuStar, Inc. as National Thousands-Block Number Pooling Administrator*, Press Release (rel. June 18, 2001).

⁶ *Second Supplement to the Georgia Public Service Commission's Petition for Additional Delegated Authority to Implement Number Conservation Measures* (dated July 23, 2001; filed Aug. 1, 2001).

⁷ *Public Service Commission of Kentucky's Petition for Interim Delegated Authority to Implement Number Pooling Trials Within the 270 NPA* (dated June 27, 2001; filed July 2, 2001) (Kentucky Commission Petition).

⁸ *Petition of the Louisiana Public Service Commission for Expedited Decision for Additional Delegated Authority to Implement Number Conservation Measures Regarding Area Code 318, Common Carrier Docket 99-200* (dated Aug. 21, 2001; filed Aug. 22, 2001) (Louisiana Commission Petition).

⁹ We note that the Louisiana Commission specifically requested that, in lieu of delegated authority to implement thousands-block number pooling in the 318 NPA, the 318 NPA be included early on the national pooling rollout schedule.

¹⁰ Louisiana Commission Petition at 1.

¹¹ Louisiana Commission Petition at 2.

¹² Kentucky Commission Petition at 8.

already addressed these specific issues, we dismiss these aspects of the state commissions' petitions as moot.

We hereby seek comment on the Pennsylvania State Legislators' request for delegated authority to implement thousands-block number pooling in the 570 NPA. We also seek comment on the remaining requests of the Louisiana Commission,¹⁴ except its request to give the 318 NPA priority status on the national pooling rollout schedule, which, as noted above, is being addressed by the Commission in a separate context.¹⁵ Copies of these petitions will be available during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Suite CY-A257, Washington, D.C. 20554, (202) 418-0270. Copies of the petitions may also be found by searching on the Commission's Electronic Comment Filing System (ECFS) at [<http://www.fcc.gov/e-file/ecfs.html>](http://www.fcc.gov/e-file/ecfs.html) (insert CC Docket No. 96-98 or 99-200 into the Proceeding block). Interested parties may file comments concerning these petitions on or before **October 23, 2001**, and reply comments on or before **November 5, 2001**. All filings must reference **File Nos. NSD-L-01-113 (Pennsylvania) and NSD-L-01-147 (Louisiana) and CC Docket Nos. 96-98 and 99-200**. Send an original and four copies to the Commission Secretary, Magalie Roman Salas, Portals II, 445 12th Street, SW, Suite TW-A325, Washington, D.C. 20554 and two copies to Carmell Weathers, Network Services Division, Portals II, 445 12th Street, S.W., Room 6-B153, Washington, D.C. 20554.

Comments may be filed using the ECFS or by filing paper copies. Comments filed through the ECFS can be sent as an electronic file via the Internet to [<http://www.fcc.gov/e-file/ecfs.html>](http://www.fcc.gov/e-file/ecfs.html). If using this method, please reference **CC Docket No. 96-98 or CC Docket No. 99-200** in the Proceeding block. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, postal service mailing address, and the applicable docket or rulemaking number(s). Parties may also submit electronic comments by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, including "get form <your e-mail address>" in the body of the message. A sample form and directions will be sent in reply. After filing your comments electronically, please send an e-mail to Carmell Weathers, cweather@fcc.gov, indicating that comments have been filed.

This is a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules.¹⁶ As a "permit but disclose" proceeding, *ex parte* presentations will be

¹³ See *Numbering Resource Optimization First Report and Order*; see also *Numbering Resource Optimization, Second Report and Order* in CC Docket No. 99-200, Order on Reconsideration in CC Docket No. 96-98, and Second Further Notice of Proposed Rulemaking in CC Docket No. 99-200, 16 FCC Rcd 305 (rel. Dec. 29, 2000).

¹⁴ The requests of the Louisiana Commission being considered by the Bureau include the authority to (1) maintain NXX code rationing procedures for six months following area code relief; and (2) hear and address claims by carriers in need of NXX codes outside of the rationing process. See Louisiana Commission Petition at 2.

¹⁵ See *Numbering Resource Optimization First Report and Order*, 15 FCC Rcd at 7648-49, paras. 163-165.

¹⁶ See generally 47 C.F.R. §§ 1.1200-1.1216.

governed by the procedures set forth in Section 1.1206 of the Commission's rules applicable to non-restricted proceedings.¹⁷

Parties making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required.¹⁸ Other rules pertaining to oral and written presentations are set forth in Section 1.1206(b) as well.

For further information contact Jennifer Gorny of the Common Carrier Bureau, Network Services Division, at (202) 418-2320 or jgorny@fcc.gov. The TTY number is (202) 418-0484.

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¹⁷ 47 C.F.R. § 1.1206.

¹⁸ 47 C.F.R. § 1.1206(b)(2).